UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IFDA, LLC, f/k/a ICDP, LLC; and
FADI K. BARADIHI,

                    Plaintiffs,   No. 07-CV-11622-DT

vs.   Hon. Gerald E. Rosen

CAROL ANN WILSON,

                    Defendant.
_____/

ORDER GRANTING DEFENDANT'S MOTION TO TREAT HER
MIS-TITLED MOTION FOR SUMMARY JUDGMENT AS
AN ANSWER TO THE COMPLAINT

        At a session of said Court, held in
        the U.S. Courthouse, Detroit, Michigan
        on __May 2, 2008_____

        PRESENT: Honorable Gerald E. Rosen
                        United States District Judge

        On February 7, 2008, the Court entered an Opinion and Order denying Defendant

Carol Ann Wilson's motion to dismiss Plaintiffs' Complaint for lack of personal

jurisdiction. In that Opinion and Order, the Court directed Plaintiff to file her answer to

the Complaint within 10 days. On February 19, 2008, in an attempt to comply with the

Court's directive, Defendant filed a pleading captioned "Motion for Summary Judgment

and Dismissal." Plaintiffs immediately thereafter attempted to default Defendant for not

filing an "Answer." Their application was properly rejected by the Clerk.

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Plaintiffs subsequently responded to Defendant's "motion," pointing out that it was not a properly filed motion because it cited no law, was premature because no discovery had yet been taken, and Defendant had not sought their concurrence before filing it. Apparently, Plaintiffs' Response indicated to Defendant that her February 19 filing was mislabeled and misconstrued -- she intended her "motion for summary judgment" to be her answer to Plaintiff's Complaint and filed it in accordance with the directive contained in the Court's February 7, 2008 Opinion and Order.[1] She, therefore, now has filed the instant motion, asking that her February 19, 2008 "motion" be treated as her answer to the Complaint or, in the alternative, that she be allowed to file a proper Answer. Plaintiffs oppose Defendant's motion.

Having reviewed and considered Defendant's motion and Plaintiffs' response, the Court has determined that Defendant should be granted the relief requested. Defendant is a *pro se* litigant. Plaintiffs' protestations notwithstanding, her "motion" does respond to Plaintiffs' Complaint, albeit not with the normal number by number "admitted," "denied," "without sufficient knowledge" that a represented party would normally use in an answer. Furthermore, Plaintiffs have not demonstrated how they would be prejudiced by granting the relief Defendant requests. But, since they appear to want an Answer

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[1] Plaintiffs maintain that Defendant's February 19, 2008 pleading was not timely filed "within 10 days" as directed by the Court in its February 7 Opinion and Order. Plaintiffs apparently overlook the fact that in computing any time period specified in a court order, when the period specified is less than 11 days, weekends and legal holidays are excluded. *See* Fed. R. Civ. P. 6(a). Further, when a party is served with an order by mail, three extra days are added. Fed. R. Civ. P. 6(d).

responding to their Complaint paragraph by paragraph, the Court will grant the

alternative relief Plaintiff requested and permit her to file a proper "Answer."

For the foregoing reasons,

IT IS HEREBY ORDERED that Defendant's Motion to Treat her Mis-Titled

Motion for Summary Judgment as an Answer **[Dkt. # 17]** is GRANTED, in part.

IT IS FURTHER ORDERED that within ten days of the date of this Order,

Defendant shall file a proper Answer to Plaintiffs' Complaint, responding to each

numbered paragraph in the Complaint -- paragraph by paragraph -- by admitting or

denying (or stating that she is without sufficient information to respond to) each

allegation.

IT IS FURTHER ORDERED that Defendant's February 19, 2008 "Motion for

Summary Judgment and Dismissal" **[Dkt. # 11]** is denied, without prejudice.

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: May 2, 2008

I hereby certify that a copy of the foregoing document was served upon Carol Ann
Wilson and counsel of record on May 2, 2008, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager